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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the eighth meeting of persons chairing the human rights treaty bodies, convened in Geneva from 15 to 19 September 1997, pursuant to General Assembly resolution 51/87 of 12 December 1996.

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Annex

REPORT OF THE EIGHTH MEETING OF PERSONS CHAIRING THE HUMAN RIGHTS TREATY BODIES

I. INTRODUCTION

1. Since the adoption of resolution 37/44 on 3 December 1982, the General Assembly has continuously kept under review the issue of the effective implementation of international instruments on human rights, including reporting obligations under international instruments. Those matters have also received careful attention during the various sessions of the treaty bodies, at some of the meetings of States parties and at meetings of other organs such as the Economic and Social Council and the Commission on Human Rights.

2. Pursuant to General Assembly resolution 38/117 of 16 December 1983, the Secretary-General convened the first meeting of the persons chairing the bodies entrusted with the consideration of State party reports in August 1984. The report of that meeting was presented to the General Assembly at its thirty-ninth session (A/39/484, annex). The second, third, fourth, fifth, sixth and seventh meetings were convened by the Secretary-General in October 1988, October 1990, October 1992, September 1994, September 1995 and September 1996. The reports of those meetings were presented to the Assembly at its forty-fourth, forty-fifth, forty-seventh, forty-ninth, fiftieth and fifty-first sessions (in the annexes of documents A/44/98, A/45/636, A/47/628, A/49/537, A/50/505 and A/51/482 respectively). It may be recalled that, in accordance with General Assembly resolution 49/178 of 23 December 1994, the meetings of persons chairing the human rights treaty bodies have become annual since 1995.

3. In its resolution 51/87 of 12 December 1996, the General Assembly welcomed the report of the persons chairing the human rights treaty bodies on their seventh meeting, held at Geneva from 16 to 20 September 1996, and took note of the conclusions and recommendations in the report (A/51/482, annex); welcomed the continuing efforts by the treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urged the treaty bodies and the meetings of persons chairing the human rights treaty bodies to continue to examine ways of reducing the duplication of reporting under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on Member States. The Commission on Human Rights welcomed the report of the seventh meeting of the persons chairing the human rights treaty bodies and took note of its conclusions and recommendations in its decision 1997/105 of 3 April 1997.

4. At the fifty-third session of the Commission, the independent expert, Mr. Philip Alston, presented his final report on enhancing the long-term effectiveness of the United Nations human rights treaty system.

5. In its resolution 51/87, the General Assembly also requested the Secretary-General to prepare a detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights, the

International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, with a view to identifying duplication of reporting under those instruments. Pursuant thereto, the Secretariat prepared a working paper entitled "Preliminary analysis of the international human rights treaty system, with a view to offering guidance to the integration and cross-referencing of treaty provisions for the purpose of identifying duplication of reporting and reducing the reporting burden".[1] This preliminary analysis was made available to the chairpersons.

6. The eighth meeting of persons chairing the human rights treaty bodies was convened by the Secretary-General pursuant to General Assembly resolution 51/87.

II. ORGANIZATION OF THE MEETING

7. The meeting was held at the United Nations Office at Geneva from 15 to 19 September 1997. The following representatives of the human rights treaty bodies attended: Mr. Philip Alston (Chairperson, Committee on Economic, Social and Cultural Rights), Mr. Michael Banton (Chairman, Committee on the Elimination of Racial Discrimination), Ms. Christine Chanet (Chairperson, Human Rights Committee), Mr. Alexis Dipanda-Mouelle (Chairperson, Committee against Torture), Ms. Salma Khan (Chairperson, Committee on the Elimination of Discrimination against Women) and Ms. Sandra P. Mason (Chairperson, Committee on the Rights of the Child). Ms. Ivanka Corti, former Chairperson of the Committee on the Elimination of Discrimination against Women, also participated in her capacity as Chairperson of the seventh meeting of chairpersons.

8. Mrs. Mary Robinson, the United Nations High Commissioner for Human Rights, addressed the chairpersons of the treaty bodies on 19 September 1997. She also participated in a closed meeting with the chairpersons, who appreciated the opportunity to have a frank dialogue with her.

9. Representatives of numerous States parties attended. The following United Nations bodies and specialized agencies participated in the meeting: Division for the Advancement of Women of the United Nations Secretariat; Joint United Nations Programme on HIV/AIDS (UNAIDS); United Nations Children's Fund (UNICEF); United Nations Population Fund (UNFPA); Office of the United Nations High Commissioner for Refugees (UNHCR); International Labour Organization (ILO); and World Health Organization (WHO).

10. Representatives of the following non-governmental organizations (NGOs) made oral interventions: Amnesty International; Association for World Education; Anti-Racism Information Service (ARIS); Defence of Children International; International Commission of Jurists; International Service for Human Rights; International Women's Rights Action Watch; Lawyers Committee for Human Rights; NGO Group for the Convention on the Rights of the Child; Women's International League for Peace and Freedom; and World Organization against Torture.

11. Mr. Paulo S. Pinheiro, Chairperson of the fourth meeting of special rapporteurs, representatives, experts and chairpersons of working groups on the special procedures of the Commission on Human Rights and the Advisory Services Programme, addressed the chairpersons of the human rights treaty bodies on 17 September 1997.

12. Mr. Miroslav Somol, Chairman of the fifty-third session of the Commission on Human Rights, and Ms. Halima Warzazi, member of the Bureau of the Subcommission on Prevention of Discrimination and Protection of Minorities, addressed the chairpersons. Ms. Therese Gastaut, Director of the United Nations Information Service at Geneva, also briefed the chairpersons.

13. The eighth meeting of chairpersons focused primarily on issues of reform. The agenda for the meeting included a review of recent developments relating to the work of the treaty bodies; methods of improving their operation; cooperation of human rights treaty bodies with United Nations non-conventional human rights bodies and mechanisms and regional organizations; gender perspectives; and assistance to States in implementing treaty body recommendations.[2]

14. Among the documents made available to the participants were the final report of the independent expert on enhancing the long-term effectiveness of the United Nations treaty system;[3] the report of the Secretary-General entitled "Renewing the United Nations: a programme for reform";[4] the report of the Secretary-General on improving the operation of the human rights treaty bodies;[5] the report of the Secretary-General on the status of the international instruments and the general situation of overdue reports;[6] the High Commissioner's plan of action to strengthen the implementation of the Convention on the Rights of the Child; the plan of action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights; and an informal Secretariat paper containing a preliminary analysis of overlapping treaty provisions.[7]

15. Mr. Philip Alston was elected Chairperson-Rapporteur of the meeting. He will represent the persons chairing treaty bodies for a 12-month period and should be invited to attend any meetings which could affect the work of the treaty bodies as a whole.

16. On 19 September 1997, the chairpersons considered the draft report of their eighth meeting. The report, as amended during the course of the meeting, was adopted unanimously.

III. REVIEW OF DEVELOPMENTS RELATING TO THE WORK OF THE TREATY BODIES

17. Under this agenda item, the chairpersons provided information on recent activities of the treaty bodies they represented. Brief statements were made by each chairperson in relation to his or her committee's working methods, innovations over the past year and challenges to be addressed.

18. Several chairpersons made reference to three academic conferences on the future of the human rights treaty system, held respectively in November 1996 at

the German Human Rights Centre in Potsdam; in March 1997 at the Research Centre for International Law at Cambridge University, United Kingdom of Great Britain and Northern Ireland; and in June 1997 at the York University of Toronto, Canada. Several members of the Committees attended those meetings, at which analytical papers were discussed and concrete recommendations for short- and long-term reform were formulated. The chairpersons welcomed the increasing attention being given by institutions outside the United Nations to the problems facing the treaty bodies.

19. The chairpersons welcomed the positive experience that the Committee on the Rights of the Child had with the United Nations Children's Fund (UNICEF) in terms of close cooperation, a relationship which not only had served to help promote knowledge of the Convention and its effective implementation, but had also resulted in substantial additional financial and other resources being made available to that Committee. However, it was noted with regret that a constructive relationship between the treaty bodies and some key agencies, in particular the World Bank and the United Nations Development Programme (UNDP), had still not been established.

20. The chairpersons took note of the fact that the High Commissioner's plan of action for strengthening the implementation of the Convention on the Rights of the Child has succeeded in obtaining financing for its first year of operation and that a team of four staff members had been recruited and was already assisting the experts of the Committee on the Rights of the Child in carrying out their tasks, including issues of follow-up and technical assistance in the field. It is expected that a fifth member of the support team will soon be recruited so as to ensure representation from the five regions.

21. A plan of action on the strengthening of the implementation of the International Covenant on Economic, Social and Cultural Rights was adopted by the Committee on Economic, Social and Cultural Rights, envisaging the recruitment of two associate experts. It is hoped that sufficient voluntary funds will be received in 1997 in order to allow the plan to become operational at an early date.

22. The relationship between the treaty bodies and the media was discussed at length, with particular assistance from an informal discussion paper prepared by the United Nations Information Service (UNIS) at Geneva entitled "Raising awareness, appreciation and understanding of the role of the United Nations human rights treaty bodies". Comments on the paper were also submitted to the chairpersons by the United Nations Office of Communications and Public Information (formerly the Department of Public Information) in New York. In essence, the papers highlighted the need for a more proactive role on the part of the treaty bodies if they were to obtain the press coverage and broader media attention to which they aspired. End-of-session press briefings based on the full text of concluding observations were seen to be unlikely to attract significant coverage. Suggestions included making use of daily briefings given by UNIS, holding a press conference during the session and preferably not on Fridays or in the afternoon, an advocacy role for treaty body members in relation to the rights being dealt with by the relevant committee, and using stronger, clearer and more declarative language in both oral and written assessments.

IV. CONCLUSIONS AND RECOMMENDATIONS

Improving the operation of the human rights treaty bodies

Reform of the treaty system

23. The chairpersons acknowledged that there were considerable challenges confronting the treaty bodies in order to improve the effectiveness, efficiency and coordination of their activities. They noted that the overall process of United Nations reform and the restructuring of the Office of the High Commissioner for Human Rights also provided opportunities to promote continuing reform of the working methods of the different committees. They emphasized, however, that reform was only useful if its objective was to strengthen the capacity of the treaty bodies to perform their diverse functions aimed at promoting compliance by States parties with their human rights obligations.

24. The chairpersons believed that, meeting together, they could play a part in the process of reform. While ensuring that proper account was always taken of the features specific to each of the six treaty bodies, they could identify problems common to different treaty bodies and help them coordinate their responses.

Universal ratification

25. The chairpersons noted the call for universal ratification of the human rights treaties formulated in the Vienna Declaration and Programme of Action. They believed that universal participation in the core human rights treaties constituted an important means by which to respond to suggestions that human rights were more relevant in some cultures than in others and to ensure that the indivisibility of all human rights was reflected in practice. In this connection they noted the central role which must be played by the Office of the High Commissioner for Human Rights in encouraging and facilitating universal ratification.

26. The chairpersons called for the adoption of a constructive approach designed to assist States in relation to ratification in whatever ways might be most helpful. They recommended that a separate human rights treaty ratification fund be established to enable such assistance to be provi d. The Office of the High Commissioner should designate a specialist coordinator for the purpose. Governments should be approached with a view to identifying the type of assistance that would be most useful to them in exploring the feasibility and modalities of ratification. The fund should be used in a flexible manner and enable the use of specialist consultants whenever appropriate.

27. The chairpersons considered that an important role in relation to the promotion of universal ratification could be played by international agencies and they requested the Office of the High Commissioner to engage in consultations with the World Bank, UNDP, the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and UNICEF to explore the contributions those agencies might make to encouraging and assisting Governments to ratify the core international human rights treaties. The chairpersons warmly welcomed the initiative being taken by

the Office of the High Commissioner and the Inter-Parliamentary Union to encourage national parliaments to play a stronger role in that regard. The chairpersons requested the Office of the High Commissioner to provide a written report in relation to progress made in those initiatives to the ninth meeting of chairpersons.

28. The chairpersons noted that regional ratification conferences had been held in 1996 at Addis Ababa, and in 1997 in Amman. While such initiatives were useful, they were far from being sufficient if universal ratification was to be actively promoted by the Office of the High Commissioner.

Denunciation of treaties

29. Serious concern was expressed by the chairpersons at the announcement on 25 August 1997 that the Government of the Democratic People's Republic of Korea intended to denounce the International Covenant on Civil and Political Rights. Such an action would be unprecedented and the chairpersons strongly questioned the conformity of the proposed course of action with existing international law. In particular, a careful review of all of the relevant materials provided no basis upon which to conclude that the States parties to the Covenant intended to permit its unilateral denunciation by a State party. Moreover, the right to make such a denunciation would not seem to be compatible with the nature of the Covenant. The chairpersons therefore called upon all members of the international community to do everything possible to uphold the integrity of the human rights treaty system in general, and that of the International Covenant on Civil and Political Rights in particular.

Special situation of States with very small populations

30. The chairpersons noted that, as of January 1997, there were 29 countries with populations under 1 million which had ratified neither of the International Covenants and also had a relatively low rate of ratification of the other core treaties. They noted that the reporting requirements under the human rights treaties might appear particularly daunting to countries with very small populations, especially where there was a lack of available trained personnel to draft the reports due under the treaties. The chairpersons recommended that the Office of the High Commissioner for Human Rights should indicate its willingness to provide to all developing countries with a population of less than 1 million that ratified or acceded to any of the core treaties with the services of an expert who could advise on the preparation of the initial reports which would then be required. The chairpersons also suggested that the individual committees should give particular attention to the situation of those countries on a case-by-case basis, as appropriate.

31. The recommendation contained in paragraph 49 below would, if acted upon, also make it easier for such States, many of which do not have a permanent mission in Geneva, to report to the treaty bodies in the framework of a New York session.

The reporting system: reform proposals

32. The chairpersons took note of the report of the Secretary-General on the status of reporting,[8] which indicated that the treaty bodies as a whole were facing two major problems: (a) many States parties were failing to fulfil their obligations under the treaties to such an extent that some 1,000 State reports were overdue; and (b) even when reports had been submitted, they could frequently not be scheduled for examination until two or three years later, thus rendering much of the data obsolete.

33. Concern was expressed that, in the absence of appropriate reforms tailored to the needs of each committee, the examination of reports might become a ritual without much meaning for the States parties, the treaty bodies or the individuals whose human rights must be protected. The chairpersons thus gave careful consideration to various reform options designed to make the monitoring system more meaningful, avoid duplication and make the reporting burden on States more manageable.

34. No consensus was reached with regard to the frequently expressed proposal to consolidate reports into a single global report covering all six human rights treaties. Although such an approach would reduce the number of different reports requested of States parties and would serve to underline the indivisibility of human rights by ensuring a comprehensive analysis of the situation, concerns were expressed in relation to problems resulting from the different periodicities of reporting under the treaties, and the risk that the specialist attention given to groups such as women and children would be lost in a single comprehensive report.

35. The chairpersons recognized, however, that in relation to periodic reports there might be significant advantages in seeking ways by which to focus the report of each State party on a limited range of issues, which might be identified by the committee in advance of the preparation of the report. Such an approach would greatly reduce the need for very lengthy reports, minimize duplication of reports, help to eliminate long delays between the submission and the examination of reports, enable problem areas to be dealt with in depth and facilitate the follow-up of concluding observations, both for the State party and for the committee concerned. Accordingly, the chairpersons requested their committees to examine the feasibility of adopting an approach along those lines, taking account of the particular needs of the treaty concerned and the preferred working methods of the committee.

36. Emphasis was also placed by the chairpersons upon the importance of strengthening the concluding observations adopted by each committee and of ensuring that they were clear, precise and sufficiently specific as to the measures that should be taken.

37. The chairpersons noted the anomalous situation whereby States that did not submit reports escaped scrutiny while those that were conscientious were held to account, and they noted that both the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination had moved to examine the situation in States whose reports were chronically overdue. It was noted that the General Assembly and the Commission on Human Rights had

encouraged those initiatives and that a legal foundation for such an approach had been put forward. It was suggested that other committees might wish to keep that option under review in relation to their own working methods.

Consolidation of the treaty bodies

38. The general view of the chairpersons was that it was neither practicable nor desirable to envisage joining the six human rights treaty bodies into a single committee. The chairpersons believed, however, that the establishment of additional treaty bodies should be avoided to the greatest extent possible, in the interests of the existing system, of States and of the prospects for effective implementation of any new treaty. In that connection, they recommended that States consider the possibility of amending the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in order to provide that no new treaty body be established and that the monitoring tasks under the Convention be assured by other means based on the existing treaty body system. Bearing in mind that the Convention had not entered into force and that as of September 1997 eight States had ratified or acceded to it, it was felt that an amendment at the current stage should be feasible. The chairpersons emphasized that the proposal should not in any way be interpreted as diminishing the importance of the Convention itself. Rather, the intention was to ensure effective monitoring of an important set of issues and to avoid a situation in which a new committee was established without the resources or personnel which would be required.

Amendment of treaties

39. The chairpersons requested that a report should be sought from the Legal Counsel which would explore the feasibility of devising more innovative approaches in dealing with existing and future amendments to the human rights treaties.

40. The chairpersons recommended that action be taken to write off the continuing backlog of contributions owed for the Committee on the Elimination of Racial Discrimination. As indicated in the report of the Independent Expert,[9] as of the end of 1996, 57 States parties owed a total of US$ 225,506 (see A/51/430). Given that those assessments are now anachronistic and that the cost incurred by the United Nations in calculating, updating and reporting on their non-payment would soon exceed the amount involved, agreement should be sought to cover the outstanding amount from the regular budget and close the file. For legal and policy reasons, it should be indicated that no precedent of broader application was thereby created.

Communications

41. The chairpersons noted that there were currently 147 registered communications pending under the Optional Protocol and awaiting a decision by the Human Rights Committee; 46 cases pending under the procedure governed by article 22 of the Convention Against Torture; and 5 cases pending under the procedure governed by article 14 of the Convention on the Elimination of All Forms of Racial Discrimination.

42. Incoming communications were not being expeditiously processed. Some 800 pieces of correspondence were currently awaiting reply, some dating back to 1996. The situation was particularly worrisome with regard to communications submitted in Russian, as no Russian-speaking lawyer had been assigned to individual complaints procedures.

43. The chairpersons recognized that, for the Human Rights Committee, the Committee Against Torture and the Committee on the Elimination of Racial Discrimination, individual communications procedures constituted an important part of their mandate, and the current situation called for urgent action.

Annual meeting with Secretary-General

44. The chairpersons recalled that, although a meeting had been held with the Secretary-General in 1995 and one had been scheduled for 1996, the latter had not eventuated. They believed that a meeting with the Secretary-General within the coming 12 months would be very useful, particularly in the light of his new reform plan for the United Nations and of the various challenges facing the treaty bodies. They emphasized the need for such a meeting to be carefully prepared and focused on issues of major concern.

Staff and servicing

45. Note was taken of the stage reached in the process of restructuring the Office of the High Commissioner for Human Rights. The chairpersons considered, however, that there was still no clarity as to the result of that effort despite the disruption and confusion that had been generated. Nor could they yet conclude that the wholly inadequate staffing situation in Geneva had improved.

46. They welcomed the progress made with the plans of action for two committees (see paras. 20 and 21 above) and urged that every effort be made to ensure that the work performed for the committees concerned was also of benefit to as many of the treaty bodies as possible.

47. The chairpersons considered that it was essential for specialist training to be provided to the staff of the Office of the High Commissioner for Human Rights. In relation to the staff as a whole, a half-day training programme focused on the role of the treaty bodies, the relevance of their various outputs and their role within the human rights system as a whole would be very valuable. In relation to those staff responsible for the servicing of the treaty bodies, the chairpersons strongly recommended a training course focused on the specific challenges arising in that context, including information retrieval and analysis techniques, the drafting of reports and especially materials on the basis of which concluding observations were prepared, and the more effective dissemination of the results of the work of the treaty bodies.

48. The increasing complexity of the legal and institutional context in which the treaty bodies operated, and the fact that many members had limited exposure to the work of the relevant international organizations, also seemed to the chairpersons to warrant the organization of targeted technical briefings for treaty body members on an occasional basis. The chairpersons requested the Secretariat to present a proposal at their next meeting as to the possible

content of such a briefing. Each committee should then consider setting aside half a day for that purpose perhaps every two or three years.

Role of the treaty bodies in relation to the overall United Nations human rights system

49. The chairpersons strongly believed that the existing system whereby one treaty body met only in New York and four of the other five met exclusively at Geneva was detrimental to the effectiveness of their work. They believed that occasional sessions in New York would enable the four committees concerned to establish better contact with States which did not have permanent missions at Geneva, to make their work much more widely known to a broader range of interested groups, to facilitate contact with those NGO and media representatives who were not active in Geneva and to provide an important opportunity for interaction with other international organizations which did not actively follow the work of the treaty bodies in Geneva. Similarly, an opportunity for the Committee on the Elimination of Discrimination against Women to meet occasionally at Geneva would greatly enhance its relationship with the other human rights mechanisms and give it access to a range of agencies, NGOs and other groups not present in New York. The chairpersons therefore called upon the Secretariat to propose a means by which any additional costs involved in such flexible arrangements could be minimized and requested the Secretary-General to put a specific proposal before the relevant United Nations organs in order to facilitate such an approach.

50. The chairpersons recommended that one of their future meetings be timed in order to coincide with all or part of the meeting of the special rapporteurs, representatives, experts and chairpersons of working groups appointed under the special procedures of the Commission on Human Rights. Such synchronization would greatly facilitate formal and informal discussions designed to coordinate in a more effective manner the activities of the two groups.

51. The chairpersons noted the many advantages that would accrue if the treaty bodies were to be able to meet on an exceptional and occasional basis at the various United Nations regional offices. They requested that the High Commissioner approach the relevant offices to explore the conditions under which it might be possible to organize a treaty body session at the regional level without incurring costs significantly greater than those involved in meeting in New York or Geneva, as the case may be. The High Commissioner was requested to report back to the chairpersons on the matter at their next session.

New technologies

52. The rapid development over the past year of the Web site of the High Commissioner for Human Rights was very warmly welcomed by the chairpersons. They emphasized the indispensable role which the Web site can play in making treaty body materials accessible to a wide range of governmental, expert and scholarly audiences as well as to the public at large. They urged the High Commissioner to attach high priority to the further development of this resource and expressed the hope that the additional funding which that would require would be made available.

53. The chairpersons noted with regret that the important jurisprudence from the ILO supervisory bodies was available in electronic form only to that very limited audience which could afford to pay a fee of $200 per year for the CD-ROM and expressed the hope that that policy will be reviewed to ensure greater access by the human rights community in general, and the treaty bodies in particular.

54. In view of the rapid evolution of information technology systems, the chairpersons would welcome the preparation of a study of the types of measures that might be contemplated, either in the short or the medium term, to improve the efficiency of the information-processing techniques that could be used by treaty body members. In view of the important work already done in that direction by UNICEF, the chairpersons expressed the hope that UNICEF might be prepared to sponsor or undertake such a study and make it available to the meeting of chairpersons in September 1998.

55. In view of the costs and difficulties that some small developing States might face in relation to the presentation of reports before each committee, the chairpersons recommended that consideration be given to the possibility of examining State reports by means of a video conference link between the committee room and the national capital. The chairpersons requested that a report on such a possibility be sought from the appropriate Secretariat service for consideration by the chairpersons in September 1998.

Languages

56. The chairpersons recognized that it would not always be possible to work in working groups on the basis of a single language, thereby avoiding the need for interpretation. However, in view of the financial pressures within the United Nations, treaty bodies should seek to use that approach where possible and appropriate. In order not to delay the distribution of documents needed for the meetings of the treaty bodies, each committee should decide in a timely fashion the languages into which the documents should be translated for any given meeting. In that way the distribution of documents would not be delayed by the unavailability of a document in a language not absolutely necessary for the discussion of a given item. The Secretariat should draft guidelines in that regard for the consideration of the treaty bodies.

Time-saving practices in the consideration of States' reports

57. The chairpersons took note of time utilization statistics provided by the Secretariat which showed that most committees continued to delay the start of their meetings, thereby losing 15 minutes or more of conference services each day. They called for a greater effort to be made to make full use of all the time available.

58. The task of expressing appropriate courtesies towards the representatives of the reporting State should be entrusted solely to the chairperson of the relevant committee. Members should not feel the need to add their individual expressions of welcome and appreciation, in view of the time consumed by such formalities. Nor should members when asking questions and offering individual comments advance any appraisal of the State report.

59. The Secretariat, when notifying a State party that its report had been scheduled for consideration, should consult with it on the type of composition of the delegation. The Secretariat should ensure that each delegation was thoroughly briefed in advance on the procedures that would be followed during its participation in the Committee's session.

Honoraria

60. The chairpersons drew attention yet again to the fact that the members of three committees received honoraria, while those of the other three did not. In many instances, treaty body members worked for at least two months a year on committee business and received no compensation at all from the United Nations. While States had agreed that honoraria should be paid in the case of all of the treaty bodies, the Secretariat continued to resist placing an appropriate statement of financial implications before the relevant organs in order to obtain the final authorization required. The justification had never been provided in writing to the committees but apparently concerned the fact that the General Assembly had commenced a review of the appropriate levels of honoraria system-wide a number of years ago and it had not been completed. The chairpersons called upon the Secretary-General to take the necessary measures immediately, using the existing figures of $3,000 per annum, until such time as a higher amount might result from the review.

Role of non-governmental organizations

61. The chairpersons noted the vital role played by international and national non-governmental organizations in monitoring human rights implementation and supporting the work of the treaty bodies. They recommended that treaty bodies continue to develop working methods that provided appropriately for NGO input and that the Secretariat facilitate communication between NGOs and the treaty bodies.

Gender perspectives

62. The chairpersons recalled that their 1995 and 1996 reports had contained a section emphasizing the importance of taking gender perspectives fully into account in relation to all of the activities of the treaty bodies. They noted that, while some progress had been achieved in that regard, considerably more could be done. In order to assess the current position, the chairpersons invited the Division for the Advancement of Women to prepare a background paper analysing what the various treaty bodies had done, and should do, in integrating gender perspectives into their work.

63. The chairpersons discussed the usefulness of convening a seminar on gender perspectives along similar lines to the 1995 meeting, which was considered to have been very helpful. A review of the progress achieved in that regard would be timely, and they invited the relevant United Nations agencies and secretariats to consider the organization of another such meeting.

64. The chairpersons welcomed the conclusions of the UNFPA round table on 'Human Rights Approaches to Women's Health with a focus on Reproductive and Sexual Health and Rights', held at Glen Cove, New York, in December 1996. The

chairpersons considered that the issues discussed at the round table were of relevance to all treaty bodies, and therefore recommended that the treaty bodies consider issuing general recommendations on health, including sexual and reproductive health and rights, and that a gender dimension be incorporated in the revision of general comments/recommendations and guidelines.

HIV/AIDS

65. The chairpersons took note of the report on the Second International Consultation on HIV/AIDS and Human Rights,[10] of Commission on Human Rights resolution 1997/33 and of the informative interventions made by six experts brought to the meeting by UNAIDS.

66. The chairpersons recommended that each treaty body give careful attention to the measures which it might take in relation to the relevant human rights aspects of HIV/AIDS, including, where appropriate, adopting or revising general comments and recommendations, amending reporting guidelines and addressing those issues in their dialogue with States parties and in their concluding observations.

Independence of experts

67. The chairpersons recommended that members of treaty bodies refrain from participating in any aspect of the consideration of the reports of the States of which they were nationals, or communications or inquiries concerning those States, in order to maintain the highest standards of impartiality, both in substance and in appearance.

68. States parties to human rights treaties should refrain from nominating or electing to the treaty bodies persons performing political functions or occupying positions which were not readily reconcilable with the obligations of independent experts under the given treaty. The chairpersons also urged that consideration be given to the importance of expertise in areas related to the mandate of the treaty body, the need for balanced geographical composition, the desirability of an appropriate gender balance and the nominee's availability in terms of time to discharge the responsibilities of an expert member of a treaty body.

Public information

69. While recognizing that no single formula could apply in relation to all of the treaty bodies, the chairpersons believed that there was an important role to be played by the media in promoting news coverage and a better understanding of the work of the treaty bodies. The chairpersons noted it was highly unlikely that that objective could be achieved in the absence of a deliberate strategy on the part of each treaty body. They therefore urged each committee to give careful consideration to the type of measures that had been suggested by the United Nations Information Service at Geneva and the Office of Communications and Public Information of the Secretariat.

70. The chairpersons requested each of those services to compile some sample dossiers of the type of press coverage that different treaty bodies had achieved

recently and to make them available to the treaty bodies so that they might gain a better appreciation of what was involved and what could be achieved.

71. A briefing on activities planned for the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights was received by the chairpersons from Mr. Z. Kedzia, Special Adviser to the High Commissioner and coordinator of fiftieth anniversary activities. The chairpersons considered that greater emphasis should be placed upon the importance of the core treaties based on the Universal Declaration, as well as on the monitoring and other activities of the treaty bodies. They also noted the importance of seeking to reach out beyond a small circle of the initiated so as to reach the broadest possible public audience.

Preparation of ninth meeting of chairpersons

72. The annual meeting of chairpersons has the potential to perform very important functions in terms of ensuring a more effective as well as a more efficient functioning of the treaty supervisory system. If this potential is to be fully realized, it is essential that a consistent flow of information be made available to the chairpersons so that they are in a position to discuss the relevant issues in an informed and focused manner and so that they can provide the necessary leadership in relation to the system as a whole.

73. The Secretariat, in cooperation with the members of the treaty bodies, should prepare an "activities profile" for each committee, consisting of one page describing the salient activities of each committee and including relevant statistics. The chairpersons agreed to consider at their next ordinary meeting whether such profiles should usefully be included in their report.

74. The chairpersons requested the Secretariat to prepare, in advance of its next ordinary meeting, a chart showing the follow-up action that had been taken in response to each of the specific recommendations contained in the present report. They also requested the Chairperson of the eighth session to prepare and circulate for comments a draft agenda for their ninth session.

Request for an extraordinary meeting

75. The treaty system is at a crossroads and the conjunction of the broader United Nations reform process and the arrival of a new United Nations High Commissioner for Human Rights provides a unique opportunity to promote sustained reforms designed to enhance its effectiveness and efficiency. Accordingly, the chairpersons request that the General Assembly authorize, on an exceptional basis, the holding of a three-day meeting of the chairpersons (on the tentatively suggested dates of 25 to 27 February 1998) to enable a review of the response to the present report by the treaty bodies and the General Assembly, to prepare recommendations, as may be appropriate, to the fifty-fourth session of the Commission on Human Rights, to be held from 16 March to 24 April 1998, and to ensure that momentum is maintained in relation to the reform process as it affects the work of the treaty bodies (for programme budget implications, see the appendix to the present report).

Notes

[1] HRI/MC/1997/Misc.1.

[2] See HRI/MC/1997/1.

[3] E/CN.4/1997/74.

[4] A/51/950.

[5] HRI/MC/1997/2.

[6] HRI/MC/1997/Misc.2.

[7] HRI/MC/1997/Misc.1.

[8] HRI/MC/1997/Misc.2.

[9] E/CN.4/1997/74, para. 101 (e).

[10] E/CN.4/1997/37.

APPENDIX

Programme budget implications of an additional meeting of persons chairing human rights treaty bodies, to be held at Geneva from 25 to 27 February 1998

A. Conference services

Regular budget

	Estimated workload (work-days)	Workload expressed in calendar days i.e. x (7/5) days[a]	1997 unit rate[b] (Swiss francs)	Estimated cost (Swiss francs)
1. Meeting services				
Number of meeting(s): 6 Languages: E,F				
6 Interpreters	18	25	636	15 907
1 Meeting Room Attendant	3	4	157	627
Conference Officer	-	-	173	-
Total (1)				16 534
2. Pre-session documentation				
Languages: E,F				
Translation	-	-	452	-
Revision	-	-	543	-
Translation/self-revision	-	-	498	-
Typing	-	-	230	-
Reproduction[c] (originals)	-	..	0.05	-
Distribution[d]	-	..	0.264	-
Total (2)				-
3. In-session documentation				
2 documents (15 original pages/document) Languages: A,E,F,R,S				
Translation	7	10	452	4 520
Revision	2	3	543	1 629
Translation/self-revision	6	8	498	3 984
Typing	10	14	230	3 220
Reproduction[c] (originals) (page impression)	11 250	..	0.05	630
Distribution[d] (documents)	1 500	..	0.264	396
Total (3)				14 379

	Estimated workload (work-days)	Workload expressed in calendar days i.e. x (7/5) days[a]	1997 unit rate[b] (Swiss francs)	Estimated cost (Swiss francs)
4. Summary records				
Translation	-	-	452	-
Revision	-	-	543	-
Typing	-	-	286	-
Reproduction[c] (page impression)	-	..	0.05	-
Distribution[d] (documents)	-	..	0.264	-
Total (4)				-
5. Post-session documentation				
Languages: E,F				
Translation	-	-	452	-
Revision	-	-	543	-
Translation/self-revision	-	-	498	-
Typing	-	-	230	-
Reproduction[c] (originals) (page impression)	-	..	0.05	-
Distribution[d] (documents)	-	..	0.264	-
Total (5)				-
6. General Services				
2 Sound Technicians/Recording	6	8	219	1 756
Messenger	-	-	173	-
Guards	-	-	157	-
Overtime normal (hours)	-	..	30	-
Total (6)				1 756
7. Other requirements				
Secretary	-	-	270	-
Overtime normal (hours)	-	..	41	-
Editing	-	-	315	-
Documents Control Officer	-	-	157	-
Documents Distribution Officer	-	-	157	-
Total (7)				-
Total (1 to 7)				32 669

	Estimated workload (work-days)	Workload expressed in calendar days i.e. x (7/5) days[a]	1997 unit rate[b] (Swiss francs)	Estimated cost (Swiss francs)
Rental of conference room(s) (days)	-	..	3 799	-
Rental of office space (sq m) (days)	-	..	1.90	-
ESTIMATED GRAND TOTAL				SwF 32 669
				[e] or US$ 21 926

[a] Since short-term staff are normally hired for more than one week, these estimates take into account on a cost-sharing basis among various conferences the salary costs over the weekend.

[b] All salary rates are based on latest applicable circulars.

[c] Reproduction: in-session documentation: number of original pages x 4.49 + number of page impressions x SwF 0.05.

[d] Distribution: 264 SwF per 1,000 documents.

[e] Exchange rate for September 1997: $1.00 = SwF 1.49.

B. Travel

The estimated travel cost, including daily subsistence allowance (DSA), for three days, for the chairpersons of the five treaty bodies serviced by the Office of the High Commissioner for Human Rights amounts to US$ 14,698.00.

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Fifty-second session
Agenda item 61
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-second year

Letter dated 20 October 1997 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, and further to my letter dated 15 October 1997 (A/52/466-S/1997/801), I have the honour to draw your attention to continuing violations of the flight information region of Nicosia and the national airspace of the Republic of Cyprus by military aircraft of the Turkish air force which took place on 15 September 1997.

On that day, 16 Turkish military planes entered the Nicosia flight information region in violation of the international regulations of civil aviation. At 1106 hours, two of these Turkish planes, which were F-4s, violated the national airspace of the Republic, flying near the coast of Paphos, in the western part of the island. At 1155 hours, two RF-4s and two F4Es once again violated national airspace, flying over the occupied area of Karpasia in the north-eastern part of the country. The other planes, four F-16s, two F-4s and four RF-4s, from 1042 hours to 1444 hours repeatedly violated the Nicosia flight information region.

As indicated in my previous letters, such provocative actions by Turkey are in contravention of the provisions of the Security Council resolutions on Cyprus, which state, inter alia, that such overflights increase political tension on the island and undermine efforts towards achieving a final settlement, disregarding at the same time international air rules and endangering civil aviation flights in the area.

On behalf of the Government of the Republic of Cyprus, I wish to protest strongly once again against the new violations of the sovereignty and territorial integrity of the Republic of Cyprus, which are in complete disregard of international law, the Charter of the United Nations and the relevant decisions of the Organization on the question of Cyprus.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 61, and of the Security Council.

(Signed) Nicos AGATHOCLEOUS
Ambassador
Permanent Representative of the
Republic of Cyprus to the
United Nations